

## Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 PA-01 HA-05 L-03 CA-01 SCS-06 SS-15  
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R 292106Z MAR 78  
FM AMEMBASSY MANAGUA  
TO SECSTATE WASHDC 6159  
INFO AMEMBASSY GUATEMALA  
AMEMBASSY SAN JOSE  
AMEMBASSY SAN SALVADOR  
AMEMBASSY TEGUCIGALPA

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E.O. 11652: N/A  
TAGS: CARR, CASC, SHUM, NU, PINT  
SUBJECT: FONMIN QUINTANA'S COMMENTS ON CHARITON CASE.

REF: MANAGUA 1454

SUMMARY: ON MARCH 27, FONMIN QUINTANA DURING A PRESS CONFERENCE ADDRESSED THE PRESENCE OF CHARITON IN THE U.S. EMBASSY. HE SAID CHARITON IS A COMMON CRIMINAL AND THERE IS NO BASIS IN INTERNATIONAL LAW FOR HIM TO BE GRANTED ASYLUM. AT THE SAME TIME QUINTANA STATED THAT THE EMBASSY HAD EXPLAINED CHARITON'S BEING ALLOWED TO STAY IN TERMS OF HUMANITARIAN CONCERN AND INTEREST OF U.S. PARTIES. HE SAID THE U.S. POSITION WOULD NOT BE CLEAR, HOWEVER, UNTIL THERE WAS A FORMAL COMMUNICATION FROM THE EMBASSY. END SUMMARY

1. PERTINENT PARTS OF QUINTANA'S REMARKS ON THE CHARITON CASE ARE AS FOLLOWS IN INFORMAL TRANSLATION:

"IT'S A VERY IMPORTANT QUESTION WHICH SHOULD BE KNOWN BY NICARAGUANS THAT THIS MAN HAS RECEIVED A REFUGE WHICH IS NOT CORRECT (DEBIDO), BECAUSE NO CONVENTION, DESPITE THE RIGHT WHICH A STATE HAS TO PROTECT ITS NATIONALS, CAN WANT IS POWERFUL ACTION TO PROTECT LIMITED OFFICIAL USE

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A PERSON CONDEMNED BY OUR COURTS AND IF IT'S TRUE THAT SOME ERROR COULD BE IMPUTED TO OUR COURTS, IT IS NOT UP TO THE FOREIGNERS TO CLEAR UP THE TYPE OF ERRORS WHICH WE COULD COMMIT IN THE EXERCISE OF THE POWER OF THE STATE. THEREFORE, THE AMERICAN EMBASSY SHOULD TAKE INTO MIND THAT MR. CHARITON IS A COMMON PRISONER, A PRISONER WHO HAS ALL DOORS OPEN TO APPEAL THE SENTENCE OF THE COURT AND THESE PROCEEDINGS HAVE TO CONTINUE THEIR NORMAL COURSE. WE RESPECT

THE REFUGE WHICH THE AMERICAN EMBASSY HAS AUTHORIZED TO MR. CHARITON AND THEY, IN COMPLIANCE WITH THEIR OBLIGATION, THE FIRST THING THEY DID WHEN THIS PERSON ENTERED THE EMBASSY WAS TELEPHONE ME TO ADVISE ME OF THE FACT AND, AS CHANCELLOR, IN INTERPRETED THIS CALL AS AN ADVICE THAT AN AMERICAN HAD TAKEN REFUGE IN THE EMBASSY. NOW, I HAVE TWO OBSERVATIONS TO MAKE IN THAT RESPECT; MR. CHARITON HAS COMMITTED A NEW OFFENSE, FLIGHT AND MOCKING THE CUSTODY OF OUR AUTHORITIES. I CAN'T INSINUATE WHAT THE COURT SHOULD DO IN THIS CASE, BUT AS A CITIZEN AND LAWYER I CAN'T HELP BUT NOTE THAT MR. CHARITON HAS INCURRED A NEW OFFENCE: FLEEING THE CUSTODY IN WHICH HE WAS KEPT-- WHICH WAS GENEROUS IN THAT HE HAD BEEN TRANSFERRED TO A HOSPITAL FOR HIS TREATMENT, AND WE NICARAGUANS SHOULD RESPECTFULLY, WITH DELIBERATION, WITH SERENITY, VIEW THESE FACTS WHICH ARE INCONTROVERTIBLE, BUT WHOSE VIOLATION AFFECT THE SENTIMENT OF NATIONAL DIGNITY."

2. LATER RETURNING TO THE SAME SUBJECT, QUINTANA SAID "... I RECEIVED A TELEPHONE CALL FROM THE AMERICAN EMBASSY ABOUT 2 OR 3 P.M. ADVISING ME THAT MR. CHARITON HAD UNEXPECTEDLY ARRIVED AT THE EMBASSY. THEY EXPLAINED TO ME HUMANITARIAN REASONS--THEY EXPLAINED TO ME ACTIONS IN THE U.S. BY IMPORTANT PERSONS BECAUSE THEY CONSIDER THAT CHARITON SHOULD BE FREED. I ANSWERED THEM THAT I RESPECTED THE DECISION OF THE AMERICAN EMBASSY TO GIVE PROVISIONAL REFUGE TO MR. CHARITON BECAUSE HE IS A U.S. CITIZEN, BUT THAT I COULD NOT RECEIVE OTHER TELEPHONIC EXPLANATION BUT THAT I AWAIT THE NORMAL WRITTEN ADVICE IN WHICH THE EMBASSY DEFINES ITS POSITION WITH REGARD TO THIS PERSON WHO IS CONDEMNED BY OUR COURTS, BECAUSE EVEN THOUGH I DON'T HAVE LIMITED OFFICIAL USE

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MANY EXAMPLES, AND PERHAPS BECAUSE OF THAT, I AM UNAWARE OF A SINGLE CASE IN THE WORLD IN WHICH AN EMBASSY GIVES PROTECTION TO A COMMON CRIMINAL."

3. COMMENT: AMBASSADOR'S SUBSEQUENT CONVERSATIONS WITH QUINTANA CONFIRM FORNMIN'S UNWILLINGNESS TO PUSH FOR ACTION WHICH MIGHT EMBARRASS EITHER GOVERNMENT. HE TOLD AMBASSADOR THAT WITH OSCAR SEVILLA SACASA'S RETURN TO COUNTRY ON MARCH 30 HE HOPES THAT PROGRESS TOWARD RESOLUTION OF THIS ISSUE CAN BE MADE. IN MEANTIME, NICARAGUA'S US-WATCHERS ARE SPECULATING ON WHETHER US CAN OR SHOULD BE INVOLVED IN SECURING CHARITON'S LIBERTY.

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